

B. Adjournments for More Than Three Days to Date Certain

§ 10. In General; House-Senate Adjournments for Differing Periods

Under art. I, § 5, clause 4 of the Constitution, neither House may adjourn (or recess) for more than three days without the consent of the other. Thus, while the House may adjourn by motion from Thursday to Monday, or from Friday to Tuesday, the House cannot adjourn from Monday to Friday without the Senate's consent.⁽¹⁾ Sundays are not included in the calculation unless the House has agreed to meet on Sunday as a separate legislative day.⁽²⁾

The form which is used for the two Houses to provide their respective consent to the adjournment to the other is the concurrent resolution. The concurrent resolution may set forth the times at which the adjournment is to begin and end, but frequently the resolution will provide optional dates so as to give each House some discretion in determining the exact period of its own adjournment.⁽³⁾ A concurrent resolution may grant the consent of the

House for adjournments or recesses of the Senate for periods of more than three days as determined by the Senate during such period,⁽⁴⁾ or may grant the consent of the Senate to an adjournment of the House for more than three days to a day certain, or to any day before that day as determined by the House.⁽⁵⁾ Often a concurrent resolution originating in one House and providing only for an adjournment of that House is amended in the other House to provide a separate adjournment date and/or times for that House where those arrangements are not negotiated in advance.⁽⁶⁾

§ 10.1 The House has adopted a privileged resolution providing for adjournment *sine die* of the House on Monday, Dec. 20, or Tuesday, Dec. 21, pursuant to a motion made by the Majority Leader or his designee in accordance with

1. *House Rules and Manual* §§ 82, 84 (2007).

2. See § 9, *supra*.

3. See, e.g., § 10.7 *supra*.

4. See § 10.1, *infra*.

5. See § 10.3, *infra*.

6. See § 10.4, *infra*.

For a discussion of the authority of the President to determine the period of adjournment when the two Houses are unable to agree with respect thereto, see *House Rules and Manual* § 171 (2007).

the resolution, and providing the consent of the House to adjournment *sine die* of the Senate at any time prior to Jan. 3, 1983, as determined by the Senate, and the consent of the House for adjournments or recesses of the Senate for periods of more than three days as determined by the Senate during such period.

On Dec. 20, 1982,⁽¹⁾ the majority whip offered a concurrent resolution as follows:

ADJOURNMENT SINE DIE OF THE
HOUSE AND SENATE

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 438) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 438

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives shall adjourn Monday, December 20, 1982, or on Tuesday, December 21, 1982, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, and that when it adjourns on said day, it stand adjourned *sine die*; and be it further

Resolved, That the consent of the House of Representatives is hereby given to an adjournment *sine die* of

the Senate at any time prior to January 3, 1983, when the Senate shall so determine; and that pending such *sine die* adjournment, the Senate may adjourn or recess for such period or periods in excess of 3 days as it may determine.

Mr. FOLEY. Mr. Speaker, just in order that the Members not believe that this adjournment resolution indicates any imminent action on the part of the leadership to move adjournment *sine die*, it is done for the purpose of referring it to the other body.

The concurrent resolution was agreed to.

Alternative Dates Certain

§ 10.2 The House concurred in a privileged Senate concurrent resolution providing adjournments from and to separate days certain in excess of three days (on either of two days in the House on motion by the Majority Leader or his designee) with joint majority leadership recall authority.

On Mar. 16, 1989,⁽¹⁾ the Speaker⁽²⁾ laid before the House the following Senate concurrent resolution:

1. 128 CONG. REC. 32951, 97th Cong. 2d Sess.

1. 135 CONG. REC. 4480, 4481, 101st Cong. 1st Sess.

2. James C. Wright, Jr. (TX).

CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM MARCH 17, 1989, UNTIL APRIL 4, 1989, AND CONDITIONAL ADJOURNMENT OF THE HOUSE FROM MARCH 23, 1989, OR MARCH 24, 1989, UNTIL APRIL 3, 1989

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 23) providing for a conditional recess or adjournment of the Senate from March 17, 1989, until April 4, 1989, and a conditional adjournment of the House from March 23 or 24, 1989, until April 3, 1989.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, March 17, 1989, it stand recessed or adjourned until 2:15 post meridiem on Tuesday, April 4, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution; and that when the House adjourns on Thursday, March 23, 1989, or on Friday, March 24, 1989, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock meridian on Monday, April 3, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in

their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

§ 10.3 A Senate concurrent resolution, providing for adjournment of the Senate to a day certain and giving the Senate consent for House adjournment for more than three days until a day certain or any prior day determined by the House, was taken from the Speaker's table and laid before the House as privileged by the Speaker.

On May 27, 1982,⁽¹⁾ the following occurred:

1. 128 CONG. REC. 12504, 12505, 97th Cong. 2d Sess.

Parliamentarian's Note: The Parliamentarian advised that a quorum was required under clause 4 of Rule XVI (*House Rules and Manual* §913 [2007]) to adopt a motion setting the day and hour of reconvening and that a simple motion to adjourn pursuant to S. Con. Res. 102 to a day certain specified in the motion would have required a quorum since the concurrent resolution required "as determined by the House" and would not have been tantamount to a simple motion to adjourn. Further, any change in the hour of convening was permitted under clause 4 of Rule XVI (*House Rules and Manual* §913

PROVIDING FOR ADJOURNMENT
OF THE SENATE AND GIVING
CONSENT FOR ADJOURNMENT
OF THE HOUSE

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 102) providing for an adjournment of the Senate from May 27, 1982, May 28, 1982, or May 29, 1982, until June 8, 1982, and giving the consent of the Senate to an adjournment of the House for more than 3 days.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 102

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, May 27, 1982, Friday, May 28, 1982, or Saturday, May 29, 1982, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12:00 noon on Tuesday, June 8, 1982.

SEC. 2. That the consent of the Senate is hereby given to an adjournment of more than three days to a day certain by the House of Representatives to begin on May 27, 1982, or any day thereafter and ter-

minating on June 8, 1982 or any day before that day as determined by the House of Representatives.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table. . . .

ADJOURNMENT TO
WEDNESDAY, JUNE 2, 1982

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, pursuant to the provisions of Senate Concurrent Resolution 102, and clause 4, rule XVI, I move that when the House adjourns today it adjourn to meet at noon on Wednesday, June 2, 1982.

The motion was agreed to.

A motion to reconsider was laid on the table.

§ 10.4 A Senate concurrent resolution providing for the adjournment of the two Houses of Congress to a day certain was amended in the House to provide that the House should reconvene a week later than the Senate.

On July 2, 1960,⁽¹⁾ a Senate concurrent resolution providing for an adjournment of the two Houses to Aug. 8, 1960, was called up by the Majority Leader as privileged in the House:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I call up

[2007]) but required a quorum and could not be included in a final simple motion to adjourn. The last time the two Houses agreed to such a concurrent resolution was in the 83d Congress. Such a resolution offers the advantage of flexibility where one House is ready to adjourn but the other cannot yet decide on an adjournment or return date. See 100 CONG. REC. 15554, 83d Cong. 2d Sess., Aug. 20, 1954 (H. Con. Res. 266).

1. 106 CONG. REC. 15828, 86th Cong. 2d Sess.

Senate Concurrent Resolution 112 and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses shall adjourn on Saturday, July 2, 1960, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, August 8, 1960.

Mr. McCORMACK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCormack: Strike out all after the resolving clause and insert: "That when the two Houses shall adjourn on Sunday, July 3, 1960, the Senate shall stand adjourned until 12 o'clock noon on Monday, August 8, 1960, and the House of Representatives shall stand adjourned until 12 o'clock noon on Monday, August 15, 1960."

Mr. McCORMACK. Mr. Speaker, I move the previous question. . . .

The SPEAKER.⁽²⁾ Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the resolution.

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

. . .

The resolution was agreed to.

2. Sam Rayburn (TX).

Alternative Departure Dates

§ 10.5 The House agreed to a privileged concurrent resolution providing for (recess or) adjournment of each House for more than three days from alternate departure dates to separate dates certain, subject to joint leadership recall at such place and time as they may designate.

On Feb. 13, 2003,⁽¹⁾ the following took place:

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. [Mark] FOLEY [of Florida]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 41) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 41

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 2003, or Friday, February 14, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 25, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 13, 2003, Friday, February 14,

1. 149 CONG. REC. 3917, 108th Cong. 1st Sess.

2003, Saturday, February 15, 2003, or any date from Monday, February 17, 2003, through Friday, February 21, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 24, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

§ 10.6 The House agreed to a privileged concurrent resolution providing for the “August recess” adjournment of the House from the then-current legislative day of more than three days to a date certain, and of the Senate to recess or adjourn on any day during a week-long period to a different date certain and providing joint majority leadership recall authority.

On Aug. 3, 1990,⁽¹⁾ a Member offered a privileged concurrent resolution as follows:

PROVDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, AUGUST 3, 1990, TO WEDNESDAY, SEPTEMBER 5, 1990, AND ADJOURNMENT OR RECESS OF THE SENATE FROM ANY DAY BETWEEN AUGUST 3 AND AUGUST 10, 1990, TO SEPTEMBER 10, 1990

Mr. [William H.] GRAY [III, of Pennsylvania]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 360) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 360

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, August 3, 1990, it stand adjourned until 12 o'clock meridian on Wednesday, September 5, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, August 3, 1990, to Friday, August 10, 1990, pursuant to a motion made by the Majority Leader, or his designee, it stand in recess or stand adjourned until 10 o'clock ante meridian on Monday, September 10, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

1. 136 CONG. REC. 22182, 101st Cong. 2d Sess.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

§ 10.7 The House concurred in privileged Senate amendments to a House concurrent resolution providing for an adjournment of the House for more than three days to a day certain, providing that when the Senate recesses on one of four designated days pursuant to a motion made by the Senate Majority Leader in accordance with the resolution, it stand in recess for more than three days to a day certain.

On Aug. 17, 1978,⁽¹⁾ the Speaker pro tempore⁽²⁾ laid before the House the following communication from the Senate:

1. 124 CONG. REC. 26794, 95th Cong. 2d Sess.
2. Lucien N. Nedzi (MI).

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM AUGUST 17 TO SEPTEMBER 6, 1978, AND OF THE SENATE FROM AUGUST 25, 26, 28, OR 29 TO SEPTEMBER 6, 1978

The SPEAKER pro tempore. The Chair lays before the House the following communication from the Senate.

The Clerk read as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con Res. 696) entitled "concurrent resolution providing for an adjournment of the House from August 17 to September 6, 1978," do pass with the following amendments: Page 1, line 4, after "1978" insert: ", and that when the Senate recesses on Friday, August 25, Saturday, August 26, Monday, August 28 or Tuesday, August 29, 1978, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand in recess until 10 o'clock a.m. on Wednesday, September 6, 1979".

Amend the title so as to read: "Concurrent resolution providing for an adjournment of the House from August 17 until September 6, 1978, and for a recess of the Senate from August 25, 26, 28, or 29 until September 6, 1978."

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Contingent Adjournment Pending Senate Action

§ 10.8 The House, by unanimous consent, fixed the time to which it would adjourn as

the second day hence, unless the House sooner were to receive a message from the Senate transmitting its adoption of (1) a conference report providing omnibus appropriations and, (2) a House-originated concurrent resolution of adjournment, in which case the House would stand adjourned pursuant to that concurrent resolution.

On Feb. 13, 2003,⁽¹⁾ the following occurred in the House:

CONDITIONAL ADJOURNMENT
TO FRIDAY, FEBRUARY 14, 2003

Mr. [Mark] FOLEY [of Florida]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore.⁽²⁾ Is there objection to the request of the gentleman from Florida?

There was no objection. . . .

ADJOURNMENT

Mr. [Scott] McINNIS [of Colorado]. Mr. Speaker, pursuant to House Concurrent Resolution 41 of the 108th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned until 2 p.m. on Tuesday, February 25, 2003, pursuant to House Concurrent Resolution 41.

Thereupon, (at 9 o'clock and 52 minutes p.m.), pursuant to House Concurrent Resolution 41, 108th Congress, and its previous order, the House adjourned until Tuesday, February 25, 2003, at 2 p.m.

§ 10.9 The Senate amended a House concurrent resolution providing for an adjournment of the House for more than three days to a day certain by providing that when the Senate completed its disposition of a designated bill, it stand in recess until that same date certain.

1. 149 CONG. REC. 3917, 3937, 108th Cong. 1st Sess.

Parliamentarian's Note: This form of unanimous-consent request has become standard practice in the House where the House has originated action on a concurrent resolution of adjournment and is awaiting concurrence by the Senate.

2. J. Gresham Barrett (SC).

On June 29, 1978,⁽¹⁾ the following House concurrent resolution with Senate amendments was laid before the House:

ADJOURNMENT OF CONGRESS
UNTIL MONDAY, JULY 10,
1978—COMMUNICATION FROM
THE SENATE OF THE UNITED
STATES

The SPEAKER pro tempore (Mr. ROSTENKOWSKI)⁽²⁾ laid before the House the following communication from the Secretary of the Senate of the United States:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 654) entitled “concurrent resolution providing for an adjournment of the House from June 29 until July 10, 1978”, do pass with the following amendments:

Page 1, line 5, strike out “1978.” and insert “1978, and that when the Senate completes its disposition of H.R. 12426, Calendar No. 883, it stand in recess until 11:00 o’clock a.m. on Monday, July 10, 1978.”.

Amend the title so as to read: “Concurrent resolution providing for an adjournment of the House from June 29 until July 10, 1978, and for a recess of the Senate from the time H.R. 12426 is disposed of until July 10, 1978”.

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Parliamentarian’s Note: While an amendment in the House to

1. 124 CONG. REC. 19466, 95th Cong. 2d Sess.
2. Dan Rostenkowski (IL).

render an adjournment to a day certain, contingent upon completion of specific legislative action, would not normally be germane,⁽³⁾ when the Senate imposes this condition on itself as an amendment, the House must dispose of the amendment.

Concurrent Resolution Amended to Include the House

§ 10.10 A Senate concurrent resolution, providing for an adjournment of that body to a day certain, was amended by the House to provide for its adjournment to a different time.

On Nov. 24, 1969,⁽¹⁾ the two Houses adjourned for a five-day period over the Thanksgiving holiday. The proceedings were as follows:

PROVIDING FOR ADJOURNMENT
FROM WEDNESDAY, NOVEMBER
26 TO MONDAY, DECEMBER 1

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up Senate Concurrent Resolution 48 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 48

Resolved by the Senate (the House of Representatives concurring), That

3. See § 11.2, *infra*.
1. 115 CONG. REC. 35539, 91st Cong. 1st Sess.

when the Senate adjourns on Wednesday, November 26, 1969, it stand adjourned until 10 a.m. Monday, December 1, 1969.

AMENDMENT OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: On page 1, line 4, strike out the period and insert the following: “; and that when the House adjourns on Wednesday, November 26, 1969, it stand adjourned until 12 o’clock noon on Monday, Dec. 1, 1969.”

The amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

§ 11. Consideration of Concurrent Resolution; Privilege, Amendment, Debate, Budget Act Restrictions

A concurrent resolution providing for an adjournment of the House or of the Senate, or of both Houses, is called up as privileged in the House,⁽¹⁾ even though it provides for an adjournment of the two Houses to different days certain.⁽²⁾ Amendments of one House to a concurrent resolution

of the other are also privileged for consideration.⁽³⁾ An adjournment resolution remains privileged, despite its inclusion of additional matter, so long as such additional matter would be privileged in its own right, such as a declaration asserted as a question of the privileges of the House relating to the ability of the House to receive veto messages during the adjournment.⁽⁴⁾ On the other hand, an adjournment resolution including a provision establishing an order of business for the following session of the Congress is not privileged.⁽⁵⁾

In 1985, §§ 309 and 310 of the Congressional Budget Act of 1974 were amended to prohibit the consideration of concurrent resolutions providing adjournments during the month of July in excess of three days until the House had passed general annual appropriation bills within the jurisdictions of all the appropriations subcommittees for the ensuing fiscal year; and until the House had completed action on all reconciliation legislation for the ensuing fiscal year required to be reported by the final adopted concurrent resolution on the budget for that

1. *House Rules and Manual* § 84 (2007).

2. See §§ 10.2–10.4, *supra*, and § 11.1, *infra*.

3. See, *e.g.*, 128 CONG. REC. 1472, 97th Cong. 2d Sess., Feb. 10, 1982.

4. See § 15.4, *infra*.

5. See § 14.13, *infra*.